

1 Kimberly A. Deater
FEDERAL DEFENDERS OF EASTERN WASHINGTON AND IDAHO
2 10 North Post, Suite 700
Spokane, Washington 99201
3 (509) 624-7606

4 || Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
(HONORABLE LONY R. SUKO)

7 | UNITED STATES OF AMERICA,)

12 TO: MICHAEL C. ORMSBY, UNITED STATES ATTORNEY
AINE AHMED, ASSISTANT UNITED STATES ATTORNEY

14 KEVIN ELLISON, moves the Court to continue the trial in this
15 matter for approximately 60 days. The trial is currently scheduled to
16 take place on August 20, 2012. Mr. Ellison appears to be suffering from
17 an as yet undiagnosed form of mental illness. There is a question as to
18 Mr. Ellison's ability to form the requisite intent at the time of the alleged
19 arson. A defense expert has been retained for the purposes of an
20 evaluation as well as to provide an opinion on the issues of criminal
21 intent. The evaluation is scheduled to take place on August 14, 2012. It
22 is estimated the follow-up report will take approximately 30 to 45 days
23 to complete.

**24 || Memorandum in Support Re:
Motion to Continue**

Accordingly, a continuance of the trial is requested. The time sought is excludable from speedy trial calculations. 18 U.S.C. §3161(h)(1)(A).

Dated: August 6, 2012

Respectfully Submitted,

S/ Kimberly A. Deater
WA 28230
Attorneys for Ellison
Federal Defenders of
Eastern Washington and Idaho
10 North Post, Suite 700
Spokane, Washington 99201
Telephone: (509) 624-7606
Fax: (509) 747-3539
Email: Kim_Deater@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: AINE AHMED, Assistant United States Attorney.

S/ Kimberly A. Deater
WA 28230
Attorneys for Ellison
Federal Defenders of
Eastern Washington and Idaho
10 North Post, Suite 700
Spokane, Washington 99201
Telephone: (509) 624-7606
Fax: (509) 747-3539
Email: Kim_Deater@fd.org